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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,037	05/10/2001	Benjamin D. Kimbell	10007412-1	8167

22879 7590 12/16/2004

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/854,037	<b>Applicant(s)</b> KIMBELL ET AL.	
	<b>Examiner</b> Sajeda Muhebbullah	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to Amendment filed 08/06/2004.
2. Claims 21-40 are pending in this application. Claims 21, 30 and 39 are independent claims. In the Amendment, claims 1-20 were cancelled and claims 21-40 were added. This action is made Final.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 25 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The term “substantially” renders the claim an omnibus type claim. The specification does not define what is meant by the term substantially.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-28, 30-37 and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. (“Bullock”, US 5,675,358).

As per claim 21, Bullock teaches an information handling system comprising:

a graphical user interface that receives control information from a user (col.6, lines 46-48) and, according to the control information, arranges and displays a plurality of images on a

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desktop in a picture stack including a completely-shown top image and one or more underlying images that are partly shown and partly obscured by overlying images, the control information determining order of the images in the picture stack (col.6, lines 42-46; col.7, lines 48-50; col.8, lines 38-40).

As per claim 22, Bullock teaches the information handling system further comprising:  
the graphical user interface that receives control information including a mousedown event generated in a location within the picture stack, the mousedown event location determining ordering of images in the picture stack (col.8, lines 8-16).

As per claim 23, Bullock teaches the information handling system further comprising:  
the graphical user interface that displays a border formed around image data of the top image of the picture stack (Figs.11-18).

As per claim 24, Bullock teaches the information handling system according further comprising:

the graphical user interface that displays a border formed around image data of the top image of the picture stack and formed along displayed edges of image data of partly obscured underlying images (Figs.11-18).

As per claim 25, Bullock teaches the information handling system further comprising:  
the graphical user interface that selectively displays each image of the plurality of images in the picture stack in substantially the same size (Figs. 11-18).

As per claim 26, Bullock teaches the information handling system further comprising:  
the graphical user interface that displays the plurality of images in the picture stack with selected different sizes (col.8, lines 38-40).

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As per claim 27, Bullock teaches the information handling system further comprising:  
the graphical user interface that displays the plurality of images in the picture stack as conceptually stacked together with the individual images mutually offset to form an appearance of a stack of photographs (Figs. 11-18).

As per claim 28, Bullock teaches the information handling system further comprising:  
the graphical user interface that displays the plurality of images in the picture stack as mutually offset from one another to produce an illusion of a three-dimensional stack of pictures (Figs. 11-18).

As per claim 30, Bullock teaches an information handling system comprising:  
a graphical user interface that displays at least a portion of each image of a plurality of individual images on a desktop arranged in a picture stack displaying a completely-shown top image and one or more underlying images that are partly shown and partly obscured by overlying images (col.6, lines 42-46; col.7, lines 48-50; col.8, lines 38-40), the picture stack being operative as an entity whereby user commands directed to the picture stack modify ordering and inclusion of individual images within the picture stack (col.8, lines 8-37).

Claims 31-37 are similar in scope to claims 22-28 respectively, and are therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 21, and is therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 30, and is therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock in view of Edmunds et al. ("Edmunds," US 5,592,602).

As per claim 29, which is dependent on claim 21, Bullock fails to teach the method wherein audio data is associated with an image of the plurality of images in the picture stack according to control information from the user.

Edmunds, however, teaches using controls to play audio in association with specific images displayed (Edmunds, col. 7, lines 34-36). Therefore it would have been obvious to one skilled in the art at the time of invention to include the graphically linked audio cues of Edmunds in the invention of Bullock because it would provide for increased ease of use and speed of application of a variety of multimedia effects (Edmunds, col. 3, lines 65-68 and col. 4, lines 1-2).

Claim 38 is similar in scope to claim 29, and is therefore rejected under similar rationale.

***Response to Arguments***

9. Applicant's arguments filed 08/06/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

a) The new claims are allowable on the basis that Bullock does not disclose "a graphical user interface that...displays a plurality of images on a desktop in a picture stack including a completely-shown top image and one or more underlying images that are partly shown and partly obscured by overlying images". Instead, Bullock discloses usage of a "picture stack" which is in the form of an icon which does not show portions of individual images within the stack although the icon may be partially overlaid by the top image on the stack.

The Examiner disagrees for the following reasons:

Per a) Bullock clearly does show portions of the individual images as shown in Figs. 11-18. In addition, Bullock teaches displaying the pictures by overlapping one on top of the other (col.6, lines 42-45) and having the option of displaying the top image with the picture for identification purposes (col.7, lines 48-50).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kellar (US 4,360,831) teaches a method of manipulating a stack of picture images on a display.

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*Communications*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah  
Patent Examiner  
Art Unit 2174

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
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